IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 816 OF 2006

G. Harikishan & Ors. ...Applicants
V/s.
State of Maharashtra. ...Respondent

Shri S.V. Marwadi for Applicants.
Ms.M.M. Deshkukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 7, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. This is an application for anticipatory bail. The applicants have an apprehension that they are likely to be arrested in connection with an offence punishable under Section 465 and other sections of the IPC. The case was registered vide C.R.No.48/2006 by the Bhoiwada Police Station and Cyber Cell Crime Branch, CID, on a complaint by their employee. The investigation was made and in the said investigation, it transpired that the applicants had forged the marksheet by using computer

and the marks in the marksheet were altered.

2. Learned Counsel for the applicants submits that even assuming that the said allegations are true, this marksheet was not used for the purpose of obtaining visa and for the purpose of obtaining work permit. It was further submitted that there was no evidence to indicate that the applicants had forged and fabricated the marks because it was possible that the person who had applied for the job may have fabricated with the marksheet.

3. The respondents have filed an affidavit-in-reply in which the modus operandi of the applicants is given in detail. It is true that it is possible that the marksheets which are submitted by the candidates, may have been forged at their level and the applicants may not be responsible for the fabrication. However, for that purpose, investigation is essential. There is prima facie evidence to indicate that the applicants had by using computer fabricated the marksheet. It is immaterial whether the marksheet was used for the purpose of obtaining visa or work permit. In my view,

this is not a fit case for grant of anticipatory bail.

. Application for anticipatory bail is rejected.

. At this stage, learned Counsel seeks continuation of the interim order for two days. Prayer is rejected.

(V.M. Kanade, J.)